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UNCLAS SECTION 01 OF 02 MINSK 000259

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SUBJECT: Meeting Voters Illegal in Belarus

¶1. (U) Summary: In the past week authorities have arrested and jailed or fined several Milinkevich activists, including senior campaign deputies Anatoly Lebedko (fined USD 721) and Vintsuk Vyachorka (sentenced to 15-days in jail), as well as ten other activists each sentenced to 15-days in jail. Authorities have also seized Milinkevich leaflets and independent newspapers, and censured opposition candidates' addresses on state radio and television. Despite these problems, Milinkevich continues to campaign. End summary.

¶2. (U) On March 7, authorities in Mogilev refused at the last minute to allow opposition candidate Aleksandr Milinkevich's campaign team to use a local university to speak to voters. The team therefore addressed approximately 250 voters outside. After the rally, police arrested Milinkevich deputy Anatoly Lebedko and Vladimir Shantsov, Milinkevich's regional campaign manager for Mogilev. That same day both appeared before a judge. Lebedko was fined BYR 1,550,000 [USD 721] and Shantsev was sentenced to 15-days in jail for organizing an unsanctioned rally.

¶3. (U) Also on March 7, police in Zhlobin pulled over Milinkevich's deputy campaign manager, Viktor Kornyenko, and seized from him 28,000 copies of a campaign leaflet. According to Kornyenko, police filed charges against him because the leaflets referred to Milinkevich as "the future president of Belarus." The same day Milinkevich's campaign team in Brest announced that they found a listening device embedded in an electrical outlet in their office. Campaign activists said they found the device after receiving an email, allegedly from a local BKGB officer, telling them where to look.

"Justice" Moves Fast in Minsk

¶4. (U) Milinkevich held two campaign rallies in Minsk on March 8, the largest of which reportedly attracted 1,400 people. He had applied to hold that event in the Berastse Theater, but was denied access that morning and so held the event outside. After the rally, his campaign deputy Vintsuk Vyachorka (also head of the Belarusian Popular Front) departed the event in a minivan that contained the public address system Milinkevich used. Police pulled the vehicle over, confiscated the vehicle and equipment and arrested the six occupants. In addition to Vyachorka, the five others arrested included a driver and sound technicians. On March 9, Vyachorka and the other five were each sentenced to 15-days in jail for organizing unsanctioned rallies (Article 167 of the Administrative Code). Authorities also reportedly detained four other Milinkevich activists at a different rally that day, each of whom was also sentenced to 15-days in jail.

15. (SBU) Poloff attended Vyachorka's trial, which was open to the public and press. The judge repeatedly asked Vyachorka and two witnesses from the security services if Vyachorka had publicly spoken any campaign slogans at the event, and whether he was an organizer or a participant. One of the security service witnesses made the audience laugh after the judge asked why he was at the event and he answered, "We were ordered to mingle in the crowd and identify people to arrest." The other security service witness stated that Milinkevich announced to the crowd that it was an illegal rally. The defense lawyer offered to show the judge a videotape of the rally to disprove this claim. After some argument the judge agreed, provided the defense attorney find a television, VCR and a copy of the tape in less than 25 minutes. The attorney was unable to do so.

16. (SBU) Milinkevich campaign manager Sergey Kalyakin told Poloff at the trial that authorities have clearly been ordered to start making arrests. With the standard sentence being 15 days, anyone arrested now will be locked up until after the March 19 election. Even so, Kalyakin thought Vyachorka was only arrested because he was riding in the vehicle with the public address system, which was the authorities' main target. [Note: Kalyakin incorrectly guessed that Vyachorka would only receive a fine.] The equipment and vehicle have not been returned. Regardless of these problems, Milinkevich told Poloff at the court that he would continue to campaign. [Comment: Emboffs will observe his next big Minsk rally, on March 12.]

Legal Contradictions

17. (U) The main legal issue here is an unresolved conflict between the Electoral Code and the Administrative Code. Article 74 of the

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Election Code gives presidential candidates and their assigned deputies, such as Vyachorka, the express and equal right "to speak at pre-election and other assemblies, conferences, meetings," as well as to have access to state radio and television. However, Article 167-1 of the Administrative Code forbids "organizing and conducting assemblies, meetings, street actions, demonstrations and pickets." The opposition and their campaign teams argue, as Vyachorka unsuccessfully did in court, that the Election Code trumps the Administrative Code during an election campaign. The courts and authorities clearly disagree, at least when it applies to the opposition.

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